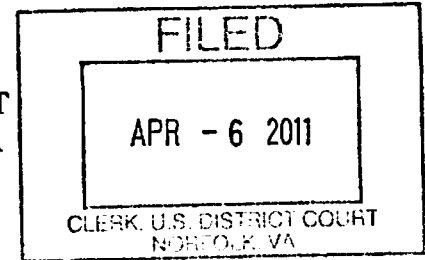


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



JAMES KOPAITCH,

Plaintiff,

v.

Civil Action No. 2:10cv166

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

FINAL ORDER

Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), Rule 72 of the Federal Rules of Civil Procedure, and Rule 72 of the Local Civil Rules, this court referred this matter to United States Magistrate Judge Tommy E. Miller by Order dated June 14, 2010. Magistrate Judge Miller thereafter entered an order directing Plaintiff to file a motion for summary judgment with supporting memorandum by July 16, 2010. On July 27, 2010, Defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. At the same time, Defendant sent Plaintiff a notice, pursuant to Roseboro v. Garrison, 528 F.3d 309 (4th Cir. 1975), informing Plaintiff of the steps which must be taken to avoid dismissal of the case. Plaintiff failed to respond or file any document with the court.

On September 3, 2010, Judge Miller ordered Plaintiff to show cause why he should not recommend the dismissal of Plaintiff's complaint for failure to prosecute. On October 1, 2010, Plaintiff responded to the show cause order, indicating that he could not secure representation, but wanted his day in court. On January 26, 2011, Judge Miller entered an order explaining that Plaintiff could file a motion for summary judgment without representation, and instructing

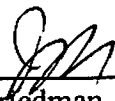
Plaintiff to file a motion for summary judgment by February 25, 2011. Plaintiff once again failed to respond or file any document with the court. On March 3, 2011, Judge Miller filed a Report and Recommendation ("R&R") recommending that Defendant's motion to dismiss be granted, and that Plaintiff's complaint be dismissed pursuant to Rule 41(b).

By copy of the R&R, each party was expressly advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date the R&R was mailed. The parties were further advised that this court would consider, de novo, all matters to which objections were filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). This court has not, however, received written objections or other responses or comments to the R&R from either party, and the time for filing such objections has clearly expired. Accordingly, this court hereby **ADOPTS** the R&R in its entirety, **GRANTS** Defendant's motion to dismiss pursuant to Rule 41(b), and **ORDERS** that Plaintiff's complaint be dismissed with prejudice.

The court advises Plaintiff that he may appeal this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia, 23510, within sixty (60) days from the date of this Order.

The Clerk is **REQUESTED** to mail copies of this Final Order to Plaintiff and all counsel of record.

IT IS SO ORDERED.

/s/ 
Jerome B. Friedman
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
April 5, 2011